

IN THE DRAWINGS:

In regard to Fig. 1, a replacement page is being supplied in order to show the SCSI bus 23 and its connections, in addition to correcting item #18, which should be designated as item #16.

REMARKS

In response to the Examiner's Office Action of February 1, 2005, Applicants are herein responding with the following considerations.

Applicants have now amended Fig. 1 in order to properly show the position of the SCSI bus 23, and also have corrected the item #18, which should have been designated as item #16.

Additionally, amendments are presented to the specification to make certain clarifications and corrections.

It has been noted that a number of claims have been objected to because of lack of antecedent basis. As a result, Applicants have amended claims 5 and 15, claims 6 and 16, claims 7 and 17, claims 8 and 18, claims 9 and 19, and claims 10 and 20. It should now be seen that amendments have been made to overcome any consideration regarding a lack of antecedent basis.

In regard to certain claim rejections under 35 USC, Article 112, whereby claims 4 and 14 were deemed to have insufficient basis for the phrase "installation form", and also claims 5 and 15, where the phrase "said current state data" were deemed lacking insufficient antecedent basis. These have now been amended in order to overcome these limitations.

In regard to claim rejections of claims 11-20, as directed to non-statutory subject matter under 35 USC 101, it will now be seen that the phrase "storage medium encoded with machine readable computer program code" (which was deemed as not a process machine or manufacture), has now been changed to read "computer-readable media" which now should import the functionality of the program code. Thus, claims 12-20, which are

based on their dependence on claim 11 should now be deemed allowable.

Examiner has rejected certain claims under 35 USC 103(a) for obviousness on the basis of the Gusler reference, U.S. Patent 6,490,690. It is noted that Gusler does not expressly disclose a computer system including at least two server nodes, each of which can execute clustered server software.

Then, the Examiner cites the Wong reference, U.S. Patent 6,836,750, to argue that Wong shows a computer system having at least two server nodes which can execute clustered server software, and then argues that this would motivate someone with ordinary skill in the art to modify the Gusler reference by including multiple server nodes.

Applicants would herewith traverse this contention in regard to combining these two references, since there is no substantial material in the Gusler reference which would indicate that multiple server nodes should be used. It is improper to combine references when the primary reference does not suggest or indicate that such other technology should be included within it.

This was indicated by the Court Appeals Federal Circuit at 38 USPQ2d, page 10, (*Index Digest*), regarding the combining of references as follows:

115.0905 Combining references

Claimed vibrator for aircraft instruments is not obvious in view of prior art references considered alone or in combination, since there is no teaching or suggestion whereby person of ordinary skill in art would have been led to select particular mechanical and electrical structures and concepts and combine them as did

inventor, and since drawing on hindsight knowledge of patented invention, when prior art does not contain or suggest that knowledge, is improper use of invention as template for its own reconstruction.-- *Sensonics Inc. v. Aerosonic Corp.* (CA FC, 1/24/96) 1551.

While Gusler and Wong may show or indicate partial aspects of Applicants' invention, it is not possible to indicate that all the claimed aspects of Applicants' invention have been shown or taught by the Gusler or Wong references.

Regarding Applicants' amended claims, it will be seen that Applicants have provided a unique combination of elements, only some of which could have been inferred from Gusler or Wong.

Examiner has noted that there is certain allowable subject matter, wherein claims 6-9 were objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form. Additionally, claim 5 would also be allowable if re-written in independent form including all the limitations of the base claim and intervening claims. As a result of this, it will be seen that Applicants have now amended claim 1 to include the limitations of claim 4, and the limitations of claim 5.

It should be noted that claims 6-9 have been amended and are now dependent on the amended claim 1.

With the amendments which have been made to the claims, it should now be seen and understood that the combinative factors of these claims will be seen to provide a unique combination which cannot be assembled or inferred from the cited references.

In this regard, Applicants would ask that the Examiner consider the elements of the claims as a whole in their entirety, and subsequently provide a timely Notice of Allowance therefor.

Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 18, 2005

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